

REGULAR COUNCIL MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

April 19, 2007 - 7:30 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN HOWARD

PLEDGE OF ALLEGIANCE

OPEN FORUM / PUBLIC PARTICIPATION

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

1. Resolution, Spring Clean-up, Paint-up, and Fix-up Week **(Page 2 of 13)**
2. Ordinance Committee Report of March 28, 2007 (Councilman Ross)
The following action by the Committee occurred and will need to be acted upon: **(Page 3 of 13)**
 - Item 1, Proposed Adoption of the Revised Ordinance: Chapter 62, Article II, Division 2, Rates.
3. The Public Works Committee Report of April 10, 2007 (Councilman Wolffe) **(Page 7 of 13)**
4. Recreation & Community Enhancement Committee Report (Vice Mayor Speidel)
 - Meeting Minutes of April 12, 2007 **(Page 9 of 13)**
5. The Harbor Committee Report of April 11, 2007 (Councilman Howard)
The following action by the Committee occurred and will need to be acted upon: **(Page 11 of 13)**
 - Proposed New Harbor Policy
6. Mayor & Council Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN:



RESOLUTION

WHEREAS, we are fortunate to live in a Town so abundantly blessed with natural assets and we have a continuing responsibility for preserving our environment by keeping it clean, healthy, and beautiful; and

WHEREAS, the Annual Seafood Festival celebration, a period set aside to honor the heritage of the Town, will be celebrated on May 2, 2007; and

WHEREAS, during this celebration we have the opportunity to demonstrate to ourselves, our neighbors, and our visitors, our commitment to a clean and beautiful town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF CHINCOTEAGUE, IN COUNCIL MET:

1. That the week of April 28 – May 6, 2007 is designated as SPRING-CLEAN UP, PAINT UP, & FIX UP WEEK in the Town of Chincoteague.
2. That all organized and individual segments of our population participate in this noble effort by developing and carrying out imaginative clean-up, paint-up, and fix-up projects which will serve to enhance, restore, or maintain the beauty of all properties in our Island community.
3. All Spring Cleanup debris should be placed for pickup during the week of April 30 – May 7, 2007 so that our Town of Chincoteague will exemplify cleanliness and beauty during the Annual Seafood festival celebration and to kick off the Tourist Season.

Ordinance Committee Meeting
March 28, 2007
MINUTES

Chairman Ross called the meeting to order at 5:32 pm.

Present: Hon. David Ross, Chairman
 Hon. Nancy Conklin
 Hon. Terry Howard

Mr. Rob Ritter, Town Manager

Councilwoman Conklin motioned, seconded by Councilman Howard, to adopt the agenda as presented. The motion was unanimously approved.

1. Adoption of the Revised Ordinance: Chapter 62, Article II, Division 2, Rates.
 Town Manager Ritter explained why the ordinance needed to be changed and explained to the Committee where the changes occurred in the Ordinance. It was mentioned by the Committee members that the change in the Ordinance would simplify the budget process each year, by possibly eliminating the step of changing the ordinance each year, if the fee changes in the budget process.

A lengthy discussion under Sec 62-58, Billing and other charges, item "C" occurred and Councilman Howard motioned, seconded by Councilwoman Conklin, to amend and insert the following language into item "C": Any person ~~voluntarily disconnecting~~ **having service disconnected by the Town, other than seasonal**, shall be charged a fee of ~~\$25.00~~ **as established by the town council** for each reconnection. The motion was unanimously approved.

Councilman Howard motioned, seconded by Councilwoman Conklin, to approve the revised Ordinance: Chapter 62, Article II, Division 2, Rates, as amended and to recommend that the revised Ordinance be sent to Council for consideration. The motion was unanimously approved.

Councilman Howard motioned, seconded by Councilwoman Conklin, to adjourn the meeting at 6:12 pm. The motion was unanimously approved.

The next meeting is tentatively scheduled for Wednesday, May 9, 2007 at 5:30 pm.

DIVISION 2. RATES, CHARGES AND BILLING

Sec. 62-56. Rates.

(a) A water rates **schedule** shall be established and ~~adjusted as necessary~~ **adopted each year** by majority vote of the council.

(b) A minimum rate applies to all accounts after the minimum allowed usage and an additional dollar amount is applied per 1000 gallons. ~~The following table applies to 5/8 and 3/4 residential, commercial and other size water meter connections, subject to a review by council for a 3% increase each year.~~

(Amended 04/02/06)

Meter Size (inches)	Minimum Bill (Quarter)	Allowed Usage (gallons)	Per 1,000 gallons Over Allowance
5/8 & 3/4	\$20 residential	6,000	\$3.54
	\$35 commercial	6,000	\$3.86
1	\$88	15,000	\$3.86
1.5	\$175	30,000	\$3.86
2	\$280	48,000	\$3.86
3	\$560	96,000	\$3.86
4*	\$875	150,000	\$3.86
6	\$1750	300,000	\$3.86
8	\$2800	480,000	\$3.86

*One meter currently in the system is to be charged \$4.94 per 1000 gallons over the allowed usage.

(Amended 04/20/06)

(c) Water rates shall not be applied to connections for fire suppression systems described in section 62-57, except when water provided through such connections has been used for other than fire suppression. In such wrongful use, penalties described under section 62-27 shall apply.

(d) Water rates shall not be applied to churches and certain other nonprofit organizations except in cases where water usage exceeds forty thousand (40,000) gallons per quarter. In such cases, the church or nonprofit organization shall be charged at the commercial rate for the water used in excess of forty thousand (40,000) gallons.

(Code 1977, § 15-1-1; Ord. of 4-5-1999, § 15-1-1)

Sec. 62-57. Connection fees and availability fees.

(a) New connections to the water system shall be charged at the rate **established by the town council** of \$550.00 for a five-eighths-inch by three-fourths-inch meter with three-fourths-inch connecting pipe, \$1,000.00 for a one-inch meter and two-inch connecting pipe, and \$1,350.00 for a two-inch meter and two-inch connecting pipe plus all additional related costs incurred by the town..

(Amended 03/16/06)

(b) The cost of service connections which are made to the system to provide for fire

suppression systems shall be determined on a case-by-case basis as dictated by the requirements of individual fire suppression systems. Connection and meter sizes for fire suppression systems shall be determined by the size of the suppression system. Connections for fire suppression systems shall be made only by the town.

(c) Although water usage rates are not applied to churches and certain other nonprofit organizations, service connection fees and availability fees shall be charged ~~as applicable to the connection and meter as described in subsection (a) of this section.~~ **in accordance with this article.** (Code 1977, § 15-1-2; Ord. of 4-5-1999, § 15-1-2)
(Amended 04/20/06)

(d) ~~The following schedule table was adopted April 20, 2006,~~ **An availability fee as established by the town council shall be charged** and the amount shall be collected prior to the installation of the meter.

Meter Size (inches)	Availability Fee
5/8 & 3/4	\$3,600
1	\$9,000
1.5	\$18,000
2	\$28,800
3	\$57,600
4	\$90,000
6	\$180,000
8	\$288,000

(Amended 04/20/06)

(e) Condominiums are to be charged an availability fee ~~of \$3,600~~ **as established by the town council** per living unit but supplied by a master meter with the minimum billing based on the size of the meter.

(Amended 04/20/06)

Sec. 62-58. Billing and other charges.

(a) All water bills for residences, hotels, motels, rooming houses, cottages, trailer parks and all rental dwellings or rental property shall be charged to the property owner and not to the tenant.

(b) Water meters shall be read quarterly, and water bills shall be delinquent 30 days after the end of the quarter. A customer shall receive a second notice granting ten days to either pay the delinquent bill or to appear before the town manager to present reasons why service should not be terminated. If the town manager makes the decision to terminate service, the customer may appeal such decision to the public works committee of the town council by filing the appeal, in writing, at least 24 hours prior to the date of termination. If such appeal is filed, service will not be terminated until after a hearing and decision by the public works committee. No service shall be reconnected

without payment of all delinquent charges plus a reconnection charge of ~~\$40.00~~ **as established by the town council**. Services shall only be reconnected during regular town business hours between 8:00 a.m. and 5:00 p.m., with such business hours occurring from Monday through Friday, except on certain days observed as holidays by the town.

(c) Any person ~~voluntarily disconnecting~~ **having service disconnected by the Town, other than seasonal**, shall be charged a fee of ~~\$25.00~~ **as established by the town council** for each reconnection. Reconnections shall be made only during regular business hours described in subsection (b) of this section.

(d) Any service disconnected on a seasonal basis shall be billed at the minimum quarterly rate or at an amount commensurate to the usage, during the period of disconnection.

(e) A change of ownership fee of ~~\$25.00~~ **as established by the town council** shall be charged to a water account transferred due to such a change.
(Code 1977, § 15-1-3; Ord. of 4-5-1999, § 15-1-3)

Sec. 62-59. Water bill adjustments.

(a) *Adjustments to correct inaccurate readings.* Adjustments to water bills to correct inaccurate readings shall be made in accordance with the following:

(1) Adjustments to water bills may be applied by the town to correct inaccurate reading of meters or incorrect readings caused by faulty meters. During the reading cycle, the town will automatically check anomalous readings to ensure accuracy.

(2) If a property owner wishes to contest the accuracy of a meter reading and subsequent water bill, he may request that the meter be checked or tested to verify the accuracy of the reading or the meter. If, after checking or testing the meter, the reading is found to be correct, the account will be charged ~~\$25.00~~ **a fee as established by the town council**. If the meter or reading is found to be faulty or incorrect, the water bill will be adjusted accordingly.

Sec. 62-88. Water main extensions.

(a) The owner and/or developer of a parcel requiring a water main extension by virtue of the requirements of subsection 62-87(a) shall request such extension from the town in writing. With the written request, the owner and/or developer shall also submit recorded drawings, plats or surveys depicting the parcel to be served by the requested extension. Such drawings shall include the delineation of the utility easements to be used by the town for the placement and maintenance of the requested water main. Delineated easements on recorded drawings shall include the finished grade elevation of the easement area. In the absence of utility easements being included in recorded drawings, easements and certification of elevation may be conveyed through separate perpetual deed of easement or agreement to the town. Utility easements shall be a minimum of ten feet in width. Pavement for roadways shall not be installed over utility easements.

(b) Upon review of the request and within 30 days of the request, the town shall design and size the appropriate extension to the water system and calculate the cost of installation of the extension. Costs shall include an ~~ten-percent~~ **administrative fee percentage, set by Council**. The requester will be notified of the cost of the installation and allowed 30 calendar days to initiate the installation by paying the provided cost. If payment is not made within the allotted time, the requester shall submit subsequent requests as necessary to allow the town to calculate the new cost. The town shall have the right to recover costs incurred from repeated design and calculation in subsequent cost calculations.

Public Works Committee Meeting
April 10, 2007
MINUTES

Chairman Wolffe called the meeting to order at 5:30 pm.

Present: Hon. Glenn Wolffe, Chairman
 Hon. John Tarr
 Hon. Terry Howard

Mr. Michael Cosby	Mr. David Ross
Mr. Robert Ritter	Mr. & Mrs. Jester
Mr. Ray Rosenberger	Ms. Wanda Thornton
Ms. Nancy Conklin	Ms. Inge Veneziano
Ms. Ellen Richardson	Ms. Jane Wolffe
Mr. Jack Van Dame	
Mr. David Rigby	
Mr. Mike Rossi	

Public Participation - Ms. Ellen Richardson requested that Hallie Whealton Smith Street be included in our spring paving projects.

Ms. Inge Veneziano requested that she be allowed to spray paint paw prints on the sidewalk in front of her store on Main Street. Mr. Wolffe explained that if this were to happen it would be difficult to control other things people might want to paint on the sidewalks. Mr. Cosby agreed to further research this request.

Mr. Wolffe motioned to adopt the agenda with the deletion of item number two which had been previously resolved. This motion was seconded by Mr. Tarr and was approved unanimously.

1. Director's report. Mr. Cosby answered questions about the status the aquifer testing and harbor rest room projects. Mr. Cosby responded that we are still waiting to hear from the DEQ about the approval of the aquifer test plans and that we should be receiving the harbor plans from the engineer this week.
2. Wastewater study update. Mr. David Rigby of Wastewater Management, Inc. conducted a comprehensive presentation on the status of the wastewater feasibility study. He outlined the project priorities, updated the progress in each area, explained a number of the regulatory, engineering and grant alternatives as well as his thoughts on how to proceed with the study. The committee agreed that we would meet again for a work session in the late spring or early summer.

3. Possible lease of mooring space at the Town Dock. Mr. Cosby presented the previous agreement for the lease of this space and indicated that he had knowledge of at least one party interested in a lease of the same type for this year. Mr. Wolffe suggested that the committee recommend to Town Council that an ordinance similar to the May 1, 2005 agreement be reauthorized with a per annum minimum bid of \$1200 covering a two year period. Mr. Howard made a motion to accept this recommendation, which was seconded by Mr. Tarr. The motion was unanimously approved.
4. Spring paving update. Mr. Cosby stated that he was not able to arrange a workable plan for work on a section of Church Street this spring. He outlined a list of other paving and drainage projects that could be undertaken instead. He also said that we would start the planned drainage study in the Church Street area as soon as possible.
5. Committee Member Comments – Mr. Howard expressed his appreciation for the quality of the presentation by Mr. Rigby of Wastewater Management.

Mr. Tarr stated that he was concerned about the condition of the street at the end of Tarr Lane and asked that repairs be made. Mr. Cosby agreed to do this.

Mr. Tarr moved to adjourn the meeting at 7:30 pm. Mr. Wolffe seconded and the motion was unanimously approved.

The next meeting is scheduled for Tuesday, May 8, 2007 at 5:30 pm.

Recreation and Community Enhancement Committee Meeting
12 April 2007
MINUTES

Members Present

Hon. Anita W. Speidel, Chairwoman
Hon. Ellen W. Richardson
Hon. E. David Ross

Mr. Gene Wayne Taylor
Mr. Jack Van Dame
Mr. Robert Conklin

Mr. Robert Ritter, Town Manager
Mr. Mike Cosby, Public Works Director
Mr. Jared Anderson, Director of Planning

1. Call to Order.

Chairwoman Speidel called the meeting to order at 5:47 p.m.

2. Open Forum- Public Participation

NONE

3. Agenda Adoption.

Councilwoman Richardson motioned, seconded by Mr. Robert Conklin, to adopt the agenda. The motion was unanimously approved.

3. Playground Equipment Presentation.

Ms. Renee Rice, a Recreation Specialist from All Recreation of Virginia, Inc. came to this evening's meeting to give a presentation about "Playworld" playground equipment products. She visited Memorial Park earlier in the day and stated there are safety hazards on some of the current equipment such as head entrapments, spaces where fingers can get caught among other things.

There are a variety of different types of surfaces we could use to surround playground equipment. Sand, mulch, and pour-in-place foam synthetic are some examples. The sand currently at Memorial Park would not meet current standards as stated by Ms. Rice. Play sand, and the accessible mulch are comparable in price with the pour-in-place being much more expensive up front but with less foreseeable maintenance costs in the future.

Community Build is one way of installing the equipment using people from Chincoteague to help; may save on total costs. Ms. Rice might be able to help consult the Town in what different things we can do with a certain amount of funds.

4. Planning for the Park across from the High School.

There are two floating docks Mr. Taylor purchased for \$3000.

Need to decide on an entrance, how many parking spaces, and where the docks are going to be located. Another concern brought up by Councilman Ross was the fact that there is no barrier between park and the two adjoining properties. There was discussion of having a walking tour of the site, or possibly going out in kayaks to view the site in the next month or two.

Another concern was the condition of the picnic tables currently at the site. Mr. Cosby stated they are not in good condition.

Right now this issue is in the very early planning stages. Need to look up whether vehicle parking is allowed to pull out backwards into right-of-way, or do they need enough space to turn around so they enter the right-of-way forward facing, Mr. Cosby stated he would look into whether it is a requirement or not.

For the summer there should be two areas with five parking spaces each. Check into the costs of shells and stone for the parking area. Information brought back by May, and could be completed by June.

5. Planning for the North Side Extended Nature Trail, on Hallie Whealton Smith Drive.

There should be enough space on the North Side to replicate what is on the existing trail south of Hallie Whealton Smith Drive. Restriction on pets proposed on the North Side Extended. First thing we need to do is put in another culvert, so a tractor can go back to trail. Check with Jerry Tracey to see if there are any restrictions with wetlands. Trail needs to be ADA compliant; there is mulch that can be accessible to a person with a disability.

6. Spring Clean-up, Paint-up, Fix-up week

April 28- May 6 proposed week.

Asked Ms. Thornton to try to get the tipping fees waived during this week.

7. Screening of Surrounding Items in Residential and Commercial Districts.

Fencing back corner of the house with solid construction. Change so that people can screen up to the front corner of the lot provided they are 25 foot from the front property line. If the house is closer than 25 feet from the front lot line the individual can only screen up to 25 foot from front lot line (will not be up to front of house if that is the case). It is a zoning issue so it must be brought forward to the planning commission, then council.

8. Committee Member Comments.

Vice Mayor Speidel thanked Mr. Cosby and his crew for cleaning up bins downtown, her mom is donating more flowers for the downtown when the weather warms up.

Graffiti on the building downtown immediately after the town put down new plywood. Bring this issue to Chief Lewis. Mr. Ritter will discuss with Chief Lewis in the interim. Bring it to council for the next meeting.

Mr. Cosby presented with a list of participants with Adopt-a-road program. Suggested that the town institute some sort of recognition program for those who have been working diligently towards cleaning the roadways.

9. Adjournment.

Councilman Ross moved, seconded by Councilwoman Richardson, to adjourn the meeting. The motion was unanimously approved.

MINUTES OF THE APRIL 11, 2007
HARBOR COMMITTEE

Members Present

Terry Howard, Chairman
David Ross, Councilman
Ernie Bowden
Wayne Merritt, Harbor Master

Others Staff Present

Robert Ritter, Town Manager
Jared Anderson, Town Planner

Members Absent

Mike Handforth

Call to Order.

Chairman Howard called the meeting to order at 7:42 pm.

Agenda Adoption.

Mr. Bowden asked that agenda item three become agenda item one and then moved, seconded by Councilman Ross, to adopt the agenda. The motion was unanimously approved.

1. Boat Lift Potential Contract.

Mr. Jack Morrison from Gateway Marina and Ships Store informed the Committee that he was interested in placing a boat travel lift at the Harbor. He stated that he would consider what the Town would require in a contract and decide whether it would be a sound financial decision. Town Attorney Poulson had written a contract a couple of years ago that was sent out on bid but was unsuccessful in obtaining interest. The Committee asked Mr. Ritter to send Mr. Morrison a copy of the contract by Mr. Poulson, meet with Mr. Morrison to review the contract and bring it back to the next meeting for a possible advertisement for bid.

2. Harbor Master Update (Wayne Merritt).

Mr. Merritt reported that the Harbor has been quiet for the last several weeks due to the lack of fish and all of the current regulations that are in place. He added that the scallop boats have left and that subleasing has dropped off to zero. He stated that the office and restroom plans should be received from the consultant within the week.

3. Delinquent Lease Payments Update.

Slip holders of slips number 58 and 66 have not paid their FY '07 lease to date; they are to be paid by July 1 of each year, and they have ten days thereafter before a 10% penalty is applied. Mr. Merritt sent a certified letter to the two slip holders to let them know that they have thirty days to pay for their slips and that if payment is not received within thirty days, their slips will be reassigned. Currently, no response has been received by either slip holder.

4. Potential Marine Refueling Possibilities.

Mr. Merritt explained that he has many requests for a refueling site at the Harbor and felt that having a site operated by a vendor was a great idea. Pictures were shown to the Committee that Mr. Merritt took while down at Cape Charles. At the last meeting, the Committee recommended that staff research the matter with other communities that

currently have refueling facilities. Mr. Merritt also reported that Cape Charles was selling the fuel for the same price as the service stations for cars and still making a profit. The Committee agreed that grant monies are becoming less available, and in order to prepare for the future, the Town needs to find alternative revenue streams to do repairs and rehabilitation to the Harbor in the future. The Committee asked that further research be done, including a draft contract similar to that of Cape Charles.

6. Revised Harbor Policy.

Town Attorney Poulson has rewritten the draft policy that the Committee voted to send to Council at the last meeting. Mr. Poulson reworded the policy, and the Committee agreed that a few minor changes needed to be made in order to remain in line with the original intent. Councilman Ross moved, seconded by Mr. Bowden, to send the following revised policy to Council for consideration. The motion was unanimously approved.

*Any Lessee of a boat shall be the primary operator ~~of~~ ~~or~~ any boat or vessel validly assigned to such ship, or if not the operator, **the lessee** shall regularly be on board during the course of such operation. "Regularly" shall mean substantially at all times, but with ~~limited~~ exceptions for the purposes of maintenance **or** repairs, ~~or limited~~ ~~occasional use by friends or associates on a nonpaying basis~~. Violation of this provision shall be deemed to be a material non-compliance with the lease and a ground for cancellation thereof.*

7. Committee Member Comments.

Mr. Bowden felt everything was going well at the Harbor. Mr. Ross thanked Mr. Anderson for attending the meeting. Mr. Merritt explained that there was a water leak at the Harbor which was quickly fixed.

Adjournment.

Chairman Howard announced that the next meeting will be on June 13, 2007 at 7:30 pm. Mr. Ross moved, seconded by Mr. Bowden, to adjourn the meeting at 9:33 pm. The motion was unanimously approved.

HARBOR POLICY

Any Lessee of a boat shall be the primary operator ~~of~~ ~~or~~ any boat or vessel validly assigned to such ship, or if not the operator, **the lessee** shall regularly be on board during the course of such operation.

"Regularly" shall mean substantially at all times, but with ~~limited~~ exceptions for the purposes of maintenance ~~or~~ repairs, ~~or limited~~ ~~occasional use by friends or associates on a nonpaying basis.~~

Violation of this provision shall be deemed to be a material non compliance with the lease and a ground for cancellation thereof.